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December 19, 2011

Hon. Brian M. Cogan  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York

Re: *United States v. Thomas Gioeli and Dino Saracino*  
Dkt: 08 Cr 0240

Dear Judge Cogan:

The Government disclosed this past week the existence of an investigation involving a new cooperating witness Maragni, provided to the defense 94 CD's of 3500 material delivered Friday, December 16 (approximately 460 hours of recordings), as well as made a motion *in limine* to allow significant witness testimony. Using the previous 1000 CD's reviewed as a guide, it will take 920 hours to listen to and transcribe the new recordings.

I now have 6 people working full time on reviewing and transcribing the discovery in this case. There are approximately 1200 hours of discovery review remaining to complete before the trial, not including the new material. As there are six weeks remaining before the scheduled trial date, I had believed it was likely that the discovery review would be completed in time. Now, for the third time the government has disclosed on the (near) eve of trial a mountain of discovery that requires review.

Therefore I am requesting an adjournment of the trial for at least a month so that I will be able to review all the discovery prior to trial and prepare an adequate defense. Notably, the Government consents to my application and Adam Perlmutter, Esq., counsel for co-defendant Thomas Gioeli, joins in my application. I respectfully suggest to the Court that it adjourn this matter to March 19, 2012.

Further, I respectfully request that this Court unseal any other sealed documents in this case as well as order the Government to immediately provide *all* remaining Rule 16/*Giglio*/3500 material that it possesses in any form.

Respectfully submitted,

Sam Braverman